

RESOLUTION NO. 20-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU UPDATING THE COMMUNITY SERVICES DEPARTMENT CANCELLATION AND REFUND POLICY AND RESCINDING RESOLUTION NO. 17-04

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

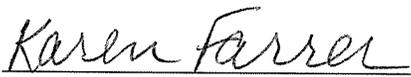
- A. On June 13, 2011, the Council approved the Parks and Recreation Department Program Cancellation and Refund Policy.
- B. On January 23, 2017, the Council adopted Resolution No. 17-04, amending the Parks and Recreation Department Program Cancellation and Refund Policy.

SECTION 2. The City Council has reviewed and approves Resolution No. 20-01, updating the Community Services Department Program Cancellation and Refund Policy as set forth in Exhibit A.

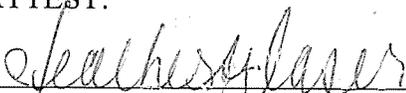
SECTION 3. Resolution No. 17-04 is hereby rescinded.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 13<sup>th</sup> day of January 2020.

  
KAREN FARRER, Mayor

ATTEST:

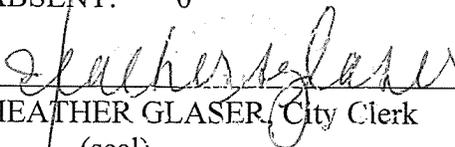
  
HEATHER GLASER, City Clerk  
(seal)

APPROVED AS TO FORM:

  
CHRISTI HUGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-01 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 13<sup>th</sup> day of January 2020 by the following vote:

AYES: 5 Councilmembers: Mullen, Peak, Wagner, Pierson, Farrer  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0

  
\_\_\_\_\_  
HEATHER GLASER, City Clerk  
(seal)

**Exhibit A**

**City of Malibu  
Community Services Department  
Cancellation and Refund Policy**

**1. Purpose**

The purpose and intent of the City Council in adopting the Cancellation and Refund Policy is to provide direction to staff and the public relating to the refunding, crediting, or transferring of fees paid for program cancellations or withdrawals.

**2. Definitions**

- **"Director"** shall mean the Community Services Director or such successive position as determined by the City Manager.
- **"Program"** shall mean any recreation activity offered by the City of Malibu, including but not limited to classes, camps, excursions, sports leagues, special events, or any programming having a registration fee associated with it.
- **"Participant"** shall mean the individual enrolled in a Program, or if under 18 years of age, his/her parent, or legal guardian.
- **"Payee"** shall mean the individual who paid the Program fees, or if under 18 years of age, his/her parent, or legal guardian.
- **"Cancellation"** shall mean the discontinuing of a Program that is initiated by the City.
- **"Withdrawal"** shall mean the withdrawal from a Program initiated by the Participant.
- **"Refund"** shall mean refunding monies paid directly to the Payee.
- **"Transfer"** shall mean applying monies paid for a Program to another Program.
- **"Non-refundable Fees"** shall mean fees which cannot be refunded, credited, or transferred by the City. Such fees include but are not limited to administration fees, instructor lab fees, and any other fees not collected by the City.

**3. Cancellations Initiated by the City:**

A. Programs Cancelled

The Community Services Department reserves the right to set a minimum and maximum enrollment for each Program and to cancel any Program due to low enrollment. A decision to continue a Program with

insufficient enrollment will be made at the scheduled start of the Program unless otherwise indicated in the Recreation Guide.

- 1) Fees paid shall be refunded or transferred in full for Programs cancelled by the City prior to the first meeting date. The administration fee identified in Section 2 under Non-refundable Fees cannot be refunded but will be transferred. Every effort will be made to reschedule cancelled programs.

B. Programs Cancelled After the First Meeting Date

- 1) Fees paid shall be refunded or transferred at a pro-rated rate for Programs cancelled by the City after the first meeting date, less Non-refundable Fees as defined in section 2.

**4. Participant Initiated Withdrawals**

A. Application Process

- 1) In order for Refunds or Transfers to be processed for Withdrawals, the Participant must submit a request to the City. Requests must be completed online at [MalibuCity.org/RefundRequest](http://MalibuCity.org/RefundRequest) or by completing a refund request form available at Malibu Bluffs Park, Malibu City Hall, and the Malibu Community Pool.

B. Application Period

- 1) Requests must be received by the City within the prescribed period, as indicated below in order to be considered. Requests must be received as follows:
  - a. Single Day and Multi-Day Programs: Seven days before the program start date. This includes, but is not limited to, classes, camps, excursions, sports leagues, special events, or any program having a registration fee associated with it.
  - b. Team Registrations and Tournaments: Before the posting of the game schedule or two weeks before the first scheduled game, whichever occurs first. Only team managers may submit withdrawal requests.

**5. Refunds, Credits, and Transfers**

A. General Conditions

- 1) Any costs incurred by the City or a contract instructor including but not limited to uniforms, supplies, or equipment provided to the Participant, will be deducted from Refunds or Transfers.

B. Refunds

- 1) Refunds will be made to the original Payee only. A check will be issued by the City and mailed to the Payee within ten business days. In addition to deductions, as stated in 5.A., a \$10 processing fee will be deducted from all refunds resulting from participant-initiated refunds. The \$10 processing fee is applied per participant, per program and is not applicable for Programs canceled by the City.

C. Transfers

- 1) Participants who withdraw from one Program may transfer into another Program. If the cost of the Program being transferred into exceeds the fees available from the withdrawn Program, the balance due must be paid at the time of the transfer. If the cost of the program being transferred into is less than available fees, excess fees will be refunded to the Payee.

**6. Special Conditions and Interpretation**

- A. The Director may designate fees for certain programs as non-refundable. A written notice will be posted on the City website, in the Recreation Guide, and at the point of sale indicating non-refundable fees. Refunds will not be granted for special events or one-day events.
- B. Refunds will not be granted after the start of a Program, except in the case of a medical injury or emergency. A doctor's note or health plan documentation may be required. Refunds will be pro-rated from the date that the refund notification is received if the program has already begun.
- C. In the event of unique circumstances not specifically and clearly addressed in this policy document, the Director is authorized to make interpretations of this policy and render a decision.

**7. Right of Appeal**

- A. A Participant has the right to appeal the decision by City staff to deny a Refund or Transfer. An appeal must be filed in writing to the City of Malibu, 23825 Stuart Ranch Road, Malibu, CA 90265, within five (5) business days of receiving notification of the denial. The City Manager or his/her designee will affirm or deny the appeal in five (5) business days. The decision of the City Manager or his/her designee shall be final.